



222 Bruce Reynolds Blvd, Suite 490
Fort Lee, NJ 07024
Telephone: (201) 897-8787

VIA ECF

Honorable James Orenstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY

Re: Kim et al., v. Central Nail LLC., et al. 19-cv-5433-PKC-JO

Please be advised that our firm represents the Plaintiffs in this matter.

The Court held Cheeks hearing on September 23, 2020. During the hearing, the Court pointed out, among other things, the fact that the settlement agreement provides release of claims that are broader than the ones contained in the plaintiffs' complaint. Pursuant to the Court's direction, plaintiffs' counsel drafted an amended settlement agreement that limits releases only to the counts contained in the complaint and sent the draft to defendants' counsel. Defendants counsel reviewed and modified the document further. On September 23, Plaintiffs' counsel gave his approval to the revised agreement defendants' counsel made and asked the defenants to sign and send the signed agreement back so that he can file it with the court along with other supporting document prior to the next scheduled hearing on October 22, 2020.

On September 28, I reached out to defendants' counsel Joshua Androphy to follow up on the status of the signed agreement but he did not respond. I wrote him again on October 1 but he still did not respond. I wrote him again on October 5 and asked for the status. On October 6, Mr. Androphy wrote back and said "we are discussing with defendant whether he will agree to the expanded scope of the release without any other changes to the agreement, as you have proposed." On October 8, I wrote Mr. Androphy again and told him the following:

I am writing to you yet again because I still have not received a signed agreement. You have reviewed and in fact made changes to my proposed limited release language. Unless I get the signed agreement by tomorrow, I am going to file a letter to the court that there is no complete agreement and we need to resume litigation of this case.

It has been over 15 days since the counsel for both sides reached an agreement with respect to the language in the amended settlement agreement. However, defendants have yet to sign such agreement to this day.

Since there is no complete settlement agreement, plaintiffs respectfully request that the Court allow plaintiffs to resume prosecution of this matter.

Respectfully submitted,

/s/Ryan J. Kim
Ryan J. Kim

Cc: Joshua Androphy, Esq.
Lawrence Morrison, Esq. (via ECF)